

**KIRKLEES COUNCIL**  
**LIST OF PLANNING APPLICATIONS DECIDED BY**  
**STRATEGIC PLANNING COMMITTEE**  
**16 JUNE 2016**

**APPLICATION NO.**

2015/93827

**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

M Sexton Wiggett Construction/Kirklees College, Lidl (UK) GmbH, c/o agent - Demolition of existing buildings and erection of food retail unit (A1) with associated site works, parking, access and landscaping - Former Kirklees College, Portland Street, Huddersfield

CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS  
(THE SUB COMMITTEE REQUESTED (I) AN ADDITIONAL CONDITION TO REQUIRE THE WESTERN ELEVATION OF THE DEVELOPMENT TO BE NATURAL STONE AND (II) AN AMENDMENT TO CONDITION 17 TO STRENGTHEN THE SECURITY OF THE SITE)

GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

(1) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND  
(2) SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.

(1) The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

(2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.

(3) No development of the retail food store shall take place until sample facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed of the approved materials.

(4) No development of the retail food store shall take place until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the hereby approved development coming into operation, and shall be retained thereafter.

(5) No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.

**APPLICATION NO.****DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/93827 Cont'd

(6) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 5 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.

(7) The net sales area of the retail food store hereby permitted shall not exceed 1424sqm including, for the avoidance of doubt, any mezzanine floor space. (The net sales area within the building includes all internal areas accessible to the consumer but excludes lobbies, restaurants/cafes, customer toilets and walkways behind checkouts). Within the total net sales area hereby permitted, no more than 25% shall be used for the sale of comparison goods.

(8) Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

(9) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

(10) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

(11) Following completion of any measures identified in the approved Remediation Strategy or any approved revised

**APPLICATION NO.****DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/93827 Cont'd

Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

(12) Before development of the retail food store commences details of an acoustic barrier to the plant area as recommended by the Acoustic Report ref 8832/1421/01 date November 2015 by PDA Ltd, shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and those works shall be retained thereafter.

(13) There shall be no deliveries to or dispatches from the premises outside the hours of 07.00 and 00.00 Monday to Friday; 08.00-00.00 Saturdays; and 10.00-20.00 Sundays or Bank Holidays.

(14) Before development of the retail food store commences a scheme detailing the provision and siting of low emission vehicle charging points within the scheme shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to the development hereby approved coming into use.

(15) Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

(16) Development shall not commence until a scheme detailing foul, surface water and land drainage (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/ diverted /abandoned and percolation tests where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the agreed drainage scheme has been completed, and shall thereafter be retained.

(17) The development hereby permitted shall incorporate measures to minimise the risk of crime and meet the specific security needs of the development site. Details of the measures to be incorporated shall be submitted to and approved in writing by the Local Planning Authority prior to development

**APPLICATION NO.                      DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/93827 Cont'd

commencing, shall be implemented before the development is first occupied and thereafter shall be retained throughout the lifetime of the development.

Detailed highway conditions to cover the following matters:

- The land to be vested to the Highways Authority for the future cycle infrastructure works;
- Off-site highway works to provide the site accesses with Portland Street, and all associated works (including land along the site frontage with Trinity Street and pedestrian/ cycle access off Castlegate) to provide cycle pedestrian routes;
- The internal accesses, circulation and parking layout, including the provision of 6 motorcycle spaces and at least 2 electric/ hybrid vehicle charging points;
- The submission of a scheme to improve the appearance/lighting of the subway passage under Castlegate which forms the pedestrian link from the site to the town centre

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Kane, Pattison, A Pinnock and Sokhal (4 Votes)

AGAINST: (No Votes)

2015/92944

Jones Homes (Yorks) Ltd/M62 Develops Ltd - Erection of 66 dwellings - Land off, White Lee Road, Batley

REFUSED

(1) THE SITE IS ALLOCATED AS URBAN GREENSPACE ON THE COUNCIL'S UNITARY DEVELOPMENT PLAN (UDP) PROPOSALS MAP. THE PROPOSED DEVELOPMENT IS CONTRARY TO POLICY D3 OF THE UDP WHICH RELATES TO DEVELOPMENT ON SUCH SITES. THE SITE IS CONSIDERED TO HAVE VALUE AS OPEN SPACE AND AS SUCH IS NOT DEEMED SURPLUS TO REQUIREMENTS THE DEVELOPMENT IS THEREFORE CONTRARY TO PARAGRAPH 74 OF THE NATIONAL PLANNING POLICY FRAMEWORK. THE LOSS OF THE VALUE OF THE URBAN GREENSPACE IS CONSIDERED TO OUTWEIGH ALL OTHER MATERIAL CONSIDERATIONS, INCLUDING THE DELIVERY OF NEW HOUSING.

(2) THE PROPOSAL FAILS TO PROVIDE ADEQUATE PUBLIC OPEN SPACE WITHIN THE LAYOUT, CONTRARY TO POLICIES BE23 AND H18 OF THE KIRKLEES UNITARY DEVELOPMENT PLAN.

**APPLICATION NO.**

**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/92944 Cont'd

(3) THE SITING OF PLOTS 42 AND 56 ARE UNACCEPTABLE BEING CONTRARY TO POLICY BE12 OF THE KIRKLEES UNITARY DEVELOPMENT PLAN AND CONSEQUENTLY WOULD RESULT IN AN ADVERSE IMPACT UPON THE RESIDENTIAL AMENITY OF OCCUPIERS OF THE NEIGHBOURING DWELLINGS.

(4) THE APPLICATION HAS FAILED TO DEMONSTRATE AN ADEQUATE AFFORDABLE HOUSING PROVISION TO SERVE THE DEVELOPMENT. AS SUCH TO APPROVE THE APPLICATION WOULD BE CONTRARY TO POLICY H10 OF THE KIRKLEES UNITARY DEVELOPMENT PLAN AND SUPPLEMENTARY PLANNING DOCUMENT 2 'AFFORDABLE HOUSING'.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Kane, Pattison, A Pinnock and Sokhal (4 Votes)

AGAINST: (No Votes)

2016/91202

Batley Variety Club Ltd - Change of Use from nightclub/music venue to gymnasium (Class D2) - Batley Frontier, 260, Bradford Road, Batley

CONDITIONAL FULL PLANNING PERMISSION  
(THE SUB COMMITTEE RESOLVED THAT AN ADDITIONAL CONDITION BE INCLUDED REGARDING THE REMOVAL OF JAPANESE KNOTWEED FROM THE SITE)

(1) The development hereby permitted shall be begun within three years of the date of this permission.

(2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

(3) A scheme detailing the arrangement and specification for cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority within 3 months from the commencement of the development. The cycle parking facilities shall then be provided in accordance with the approved details before the development is first brought into use and thereafter retained.

**APPLICATION NO.****DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/91202 Cont'd

(4) Nothing shall be permitted to be planted or erected within a strip of 2.4m deep measured from the carriageway edge of Bradford Road along the full frontage of the site which exceeds 1.0m in height above the level of the adjoining highway.

(5) In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

(6) A scheme of flood mitigation measures (incorporating a Flood Evacuation Plan) shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. The development shall be carried out in accordance with the approved scheme, and thereafter retained.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Pattison, A Pinnock and Sokhal (3 Votes)

AGAINST: Councillors Kane (1 Vote)